

**REMARKS**

In view of the following amendments and the following remarks, reconsideration of the present patent application is respectfully requested.

After entering these amendments, claims 1, 6-11, 13-19, and 24 will be pending.

Claims 1, 6-11, 13-19 have been amended to more clearly define the present invention. The specification has been amended to correspond to the amended claims. New claim 24 has been introduced. Support for claim 24 can be found throughout the specification and in particular on page 7, lines 4-8 of Applicant's specification.

It is respectfully requested that the amendments above be entered before examination of the application. It is submitted that the amendments to the claims are well supported by the disclosure of the specification as filed. No new matter will be entered upon entry of this amendment.

**Objection under 35 U.S.C. §132**

The amendment filed 10/01/03 that replaced the term "gel-like" with the term "gel-formable" is objected to under 35 U.S.C. §132 because the Examiner alleges that it introduces new matter into the disclosure. Also, the Examiner indicates that term "gel-like" is understood by those skilled in the art and suggested that this term be reinstated. Applicants have amended the specification and the claims to reinstate the term "gel-like" in place of "gel-formable" and respectfully request that the 35 U.S.C. §132 objection be withdrawn.

**Rejection under 35 U.S.C. §112**

Claims 1, 6-11, and 13-19 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that Applicant's specification does not provide support for the limitation "changing a mixed aqueous solution of an active carbon and a gel-like substance into a gel". Applicants respectfully traverse.

The limitation "changing a mixed aqueous solution of an active carbon and a gel-like substance into a gel" is supported by the specification throughout, particularly in Example 1 on page 24, line 25 through page 26, line 1, and in Example 7 on page 28, line 19 through page 29,

line 21.

In Example 1, a thorough mixture of refined flour and active carbon are added to water, stirred and heated to boil, and thereafter cooled (step 1). Next, CaO solution is added to the solution and the resultant blend is heated to obtain active carbon-containing konjak (step 2). The “refined flour” is the powder made through drying and pulverizing the konjak potato, wherein, the main component is mannan. The Konjak (gel) is made by dissolving the refined flour in water to form an aqueous solution, then adding the alkali (as the cross-linking agent) and heating.

Consequently, the resultant solution in step 1 is “a mixed aqueous solution of an active carbon and a gel-like substance”, and the mixed aqueous solution is ganged into a gel in step 2.

Similarly, in Example 7, a thorough mixture of sodium alginate and active carbon are added into water to obtain an aqueous solution (step 3). Next, the sodium alginate solution is added into calcium chloride solution (as a cross-linking agent) to obtain gel balls of active carbon-containing calcium alginate (step 4).

Accordingly, based on the foregoing, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, first paragraph, rejection with respect to claims 1, 6-11, and 13-19.

### **Rejection under 35 U.S.C. §103**

Claims 1, 6-11, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi (US Re. 31,700). The Examiner alleges that Yamaguchi teaches granular algal adsorbents useful for the removal of toxic and odiferous materials in cigarette filters. The Examiner states that Yamaguchi is silent as to the teaching of a mixture of adsorbent materials, however it is the position of the Examiner that it would be obvious for one skilled in the art to, by routine experimentation to select mixtures of adsorbents. Applicants respectfully traverse.

Applicants have amended herein all of the claims from product claims to method claims. The amendments should obviate the 35 U.S.C. 103(a) rejection because as stated by the Examiner, in communication paper No. 11, page 6, mailed December 3, 2003, the patentability of Applicant’s claims is based on the product itself even though product-by-process claims are limited by and defined by the process.

Further, since the adsorbent of this invention is obtained by mixing an active carbon and a gel-like substance in an aqueous solution and dispersing them uniformly and subsequently gelating them, the adsorbent of the present invention assumes the constitution of a dispersion system having the active carbon uniformly dispersed in the water-insoluble gel. The adsorbent therefore permits the highly efficient removal by adsorption of a harmful substance because the adsorbent in its entirety has an increase in the surface area available for adsorption. Consequently the adsorbent of the present invention has an increase in the ability to effect adsorption in a highly dispersed state as compared with an adsorbent produced solely using active carbon.

When the adsorbent of the present invention is formed by coating an adsorption basis with a water-insoluble gel and then subjecting the coated basis to a freezing treatment, the adsorbent is enabled to keep intact the ability to effect adsorption possessed by the adsorption basis because the moisture in the water-insoluble gel forming the coat is condensed and is consequently allowed to form in the coat such minute pores having a larger diameter as opposed to those pores which would be formed solely by cross-linkage.

Yamaguchi does not teach nor suggest the methods of the present invention.

Based on the foregoing and Applicants' amendments to change the product claims to method claims, Applicants' respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) with respect to claims 1, 6-11, and 13-19 in view of Yamaguchi.

Claims 1, 6-11, and 13-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hara JP 61-216044 and Ochi JP 61-48614, in view of Unger et al. WO 93/12877 and Muhfeld et al. US 5, 972,427.

Applicants restate that the adsorbent of the claims of the present invention is obtained by the method of an aqueous solution having mixed therein an active carbon and a gel-like substance changing into a gel. When the adsorbent of this invention is formed by coating the active carbon with a gel and then subjecting the resultant gel to a freezing treatment, the adsorbent is enabled to keep intact the ability to effect adsorption possessed inherently by the active carbon. Because the moisture in the gel forming the coat is coagulated and is consequently allowed to form in the coat, minute pores are formed which have a larger diameter than the pores which would be formed solely by cross-linkage (see page 6, lines 12-21 of the

present specification), and as the freeze-concentration of the gel is generated by freezing treatment, the pore wall becomes strong, it does not swell in the aqueous solution, and the size of the pore is maintained.

Hara describes a hydrophobic konjak gel and a method for production of a formed hydrophobic gel substance, which can be used for various purposes. For the Examiner's reference, Applicants submit a full English translation of Hara as listed in the enclosed Form PTO-1449.

Ochi teaches a corpulence preventing agent formed by providing activated carbon on the surface thereof with a protecting film.

In contrast to the present invention, the hydrophobic konjak gel that Hara teaches is obtained by preparing a konjak derivative (konjakpaste) by a freezing or heating treatment, mixing the konjak derivative with food fibers (Hara designates this as "catalyst"), and subjecting the resultant mixture to a freezing or heating treatment.

The aforementioned konjak gel of Hara is produced by the following steps.

(a) An aqueous solution of konjak powder and an alkaline substance designated as a catalyst are added together and then heated to produce a konjak derivative (*see page 5, line 22 through page 7, line 3 of the English translation of Hara JP-A-63-71158*).

From the descriptions of examples (1) through (38) etc., it is described that the konjak produced derivative assumes a pasty state and possesses such a nature as to avoid forming a gel even when subjected to a freezing or heating treatment. Specifically, while the ordinary konjak gel is produced by adding an aqueous solution of konjak and an alkaline substance as a cross-linking agent together and heat-treating them to cross-link and gel the konjak and convert it into a gel, the konjak derivative of the step (a) is obtained, even when heated, is in a pasty state and not in the form of a gel because it is produced under such "unsatisfactory conditions" (page 5, lines 13-14, *ibid*) as allow the alkaline substance to be incorporated only in an unduly small amount. Further, the konjak derivative, even when frozen and thawed, continues to remain in the original pasty state and does not form a gel.

(b) Then, the konjak derivative obtained at the step (a) and food fibers (catalyst) are added optionally together in conjunction with "other substances" (*see page 7, line 4 through page 12, line 4, ibid*).

(c) Subsequently, the konjak having the food fibers incorporated therein at the step (b) is subjected to a freezing or heating treatment to obtain the water-insoluble gel aimed at.

Thus, the konjak gel of Hara is obtained by adding an aqueous solution of konjak and an insufficient amount, namely, a smaller amount than usual, of a cross-linking agent (such an amount as prevents this agent from being converted into a water-insoluble get even when heated) together to impart a pasty state to the konjak, then adding food fibers and other substances together to the pasty konjak, and subjecting them to a freezing or heating treatment to change to gel the konjak paste owing to the effect of addition of the food fibers. Hara does not teach or suggest a method for production of an adsorbent by the steps of changing a mixture of an aqueous solution of active carbon and a gel-formable substance into a gel. Rather, the konjak gel of Hara requires simultaneous addition of food fibers and other substances to the pasty konjak derivative to assume the form of gel. Further, if Ochi were to be combined with Hara, the teaching of Hara would suggest that the act of adding activated carbon would occur in conjunction with adding food fibers. The konjak gel that Hara teaches is completely different in structure of gel from the adsorbent of this invention.

Furthermore, the hydrophobic gel of Hara is incapable of manifesting a high ability to effect adsorption because the activated carbon is not easily dispersed uniformly and it exhibits inferior dispersability in the produced gel. In contrast, since the adsorbent of this invention is obtained by mixing an active carbon and a gel-formable substance in an aqueous solution and dispersing them uniformly and subsequently gelating it, the adsorbent assumes the constitution of a dispersion system having the active carbon uniformly dispersed in the water-insoluble gel. The adsorbent formed by the method of the present invention, therefore, permits highly efficient removal by adsorption of a harmful substance because the adsorbent in it entirely enjoys an increase in the surface area available for adsorption and a consequent increase in the ability to effect adsorption as compared with the adsorbent produced by solely using active carbon in a highly dispersed state (see page 7, lines 4-14 of the present application).

In contrast to the invention defined by the present claims, Unger et al. do not teach or suggest a method for production of an adsorbent by changing a mixed solution of active carbon and a gel-formable substance into a gel, an adsorption basis with a gel substance and subsequently subjecting the coated basis to a freezing treatment. Accordingly, Unger et al. do

not cure the deficiencies of Hara and Ochi noted above.

Muhlfeld et al. disclose an adsorbent filter fabric comprising a textile carrier having adsorbent particles fixed on it by thermoplastic binding. The adsorbent particles can be coated with a binding agent. Activated carbon can be used as the adsorbent.

In contrast to the invention defined by the present claims, Muhlfeld et al. do not teach or suggest a method for production of an adsorbent by changing a mixed aqueous solution of an active carbon and a gel formable substance into a gel. Thus, Muhlfeld et al. do not cure the deficiencies of Hara and Ochi noted above.

Furthermore, Unger et al. and Muhlfeld et al. do not teach or suggest the step of seasoning either a first or second gel substance, as defined in claim 11. In addition, Unger et al. and Muhlfeld et al. do not teach or suggest an agent for removal of a harmful substance in which the harmful substance is a food additive, a feed additive, an agricultural pesticide, a food poisoning substance, allergen, a heavy metal, or a strongly poisonous organic compound, as defined in claim 14. Also, Unger et al. and Muhlfeld et al. do not disclose or suggest the substances defined in claims 15-17 or adsorption in the digestive system, as defined in claims 18 and 19.

In addition, there is no motivation to one skilled in the art to combine Hara directed to hydrophobic gel, Ochi directed to an adsorbent for an obesity preventative with Unger et al. directed to an adsorbent for fluids in an industrial device or Muhlfeld et al. directed to a fabric for a purification system or clothing. Applicants submit that there must be some suggestion or motivation to combine the references. Furthermore, even if the references were combined the references would not teach the present invention since none of the references teach a method for production of an adsorbent through the steps of changing a mixed aqueous solution of an active carbon and a gel-formable substance into a gel and subjecting the gel to a freezing treatment. Moreover, a person of ordinary skill in the art using the teachings of Hara, Ochi, Unger et al. and Muhlfeld et al. would not conceive the construction of the present invention and the peculiar effects of the present invention mentioned above which are accomplished by the construction of the adsorbent.

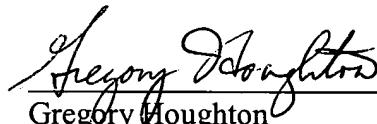
Based on the foregoing and Applicants' amendments to change the product claims to method claims, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C.

103(a) with respect to claims 1, 6-11, and 13-19 as being unpatentable over Hara JP 61-216044 and Ochi JP 61-48614, in view of Unger et al. WO 93/12877 and Muhfeld et al. US 5, 972,427.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should she believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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Gregory Houghton  
Reg. No. 47,666  
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.  
100 Thanet Circle, Suite 306  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036